UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DALMATIA IMPORT GROUP, INC., Plaintiff, v. FOODMATCH, INC., *et al*. Defendants.	Case No. 16-CV-0933

PLAINTIFF'S MOTION FOR (1) PRELIMINARY INJUNCTION AGAINST LANCASTER FINE FOODS AND EARTH PRIDE ORGANICS FOR BREACH OF CONTRACT AND (2) EXPEDITED DISCOVERY

Pursuant to Federal Rule of Civil Procedure 65(a), Plaintiff Dalmatia Import Group, Inc. ("Plaintiff") respectfully moves this Court for a preliminary injunction barring Defendant Lancaster Fine Foods, Inc. ("Lancaster") and its parent company Earth Pride Organics, LLC, from breaching the Noncompetition provision of the Product Manufacture and Supply Agreement ("Lancaster Agreement"), and ordering Lancaster to recall all products sold in violation of this provision.

Plaintiff and Lancaster have worked together pursuant to the terms of the Lancaster Agreement for approximately eight years, and Lancaster has received numerous benefits pursuant to the agreement. The Lancaster Agreement contains a Noncompetition provision that bars Lancaster from manufacturing, making, or selling any competing fig spread, or any other product that competes with Plaintiff's product, for the duration of the agreement and for two years thereafter. The Noncompetition provision also prohibits Lancaster from working with or selling any competing products to any of Plaintiff's customers. In direct violation of the Noncompetition provision, beginning in October 2015 Lancaster worked with Plaintiff's customer, Defendant FoodMatch, Inc., to make, manufacture, and sell a competing fig spread under the brand name “Divina,” marketing that fig spread to Plaintiff’s retail customers.

In an effort to stop the irreparable harm Plaintiff has already suffered as a result of Defendants’ activities, Plaintiff seeks to enforce the Noncompetition provision through a preliminary injunction and a recall. Plaintiff also seeks expedited discovery, in the form attached as Exhibits G-L, targeted to identifying the factual basis of Lancaster’s expected defenses to its breach of contract claim in order to create a full record for the Court.

Plaintiff’s Motion is supported by the Memorandum of Law and its exhibits and the Declaration of Maia Magee. A proposed order for expedited discovery and proposed order for preliminary injunction are also submitted.

March 25, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on March 25, 2016, the foregoing document(s) was filed using the CM/ECF system, which will cause a copy to be electronically served on all counsel of record.

Additionally, the foregoing was served by email on counsel for the parties as follows:

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